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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/706,592

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Joseph J. Kubler

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8640

7590

12/09/2005

John H Sherman Legal Department
Intermec Technologies Corporation
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EXAMINER

CHANG, EDITH M

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/706,592**

Applicant(s)

KUBLER ET AL.

Examiner

Edith M. Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18, 22-26 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18, 22-26 and 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 4, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-18, 26, 31-32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Grob et al. (US 5,574,773).

Regarding to **claims 16-18, 26, 31-32, 34 & 35**, in FIG.5, Grob et al. discloses a wireless communication system and its method, the system comprises at least two devices capable of wireless communications, a mobile unit (a first device) and a base station (a second device). Before establishment of a wireless communication network (310 FIG.5) comprising the base station, the mobile station is sending a modem

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command ATDT# (308, a wireless message utilizing a standard modem command format command) with information (CdPN, called party) concerning the initial establishment of 330, with PIN and PASSCODE (i.e., ATDT 404-555-1212@PIN, PASSCODE) over a wireless channel (308 FIG.5), the ATDT command parameters (such as CdPN, CgPN, PIN and PASSCODE) for the data connection are well-known in the art and are foreign to the standard modem command format; and

The base station receives the ATDT# via wireless transmission 308, and establishes the wireless communication network for wireless network communication based on the ATDT command parameters.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-25, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grob et al. (US 5,574,773) in view of Monroe et al. (US 6,363,335 B1).

Regarding to **claims 22-25**, Grob does not explicitly specify other AT commands used in the communication over a digital link. However, Monroe et al. teaches the well-known Hayes modem AT command set with additional special codes added to identify particular functionality in Table 2 (column 8, lines 30-35 & column 11, lines 10-30)

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sending by one wireless capable device before the wireless network (GSM network) is established (FIG.13B) for data connection (SMS messages). As Grob's mobile sending ATDT (or ATD) modem command to establish a data connection in a wireless network, at the time of invention, it would have been obvious to one of ordinary skill in the art to have other AT modem commands taught by Monroe et al. sent by the Grob's mobile to the base station to establish the wireless network for sending data via wireless communication using modems for the purpose of convenience and saving time and reducing the cost (column 2, lines 15-20, lines 30-35 '335).

The modified/combined system and method, in FIG.2 ('773), disclose the terminal equipment 10 communicates with the modem 40 via base station 80, telephone network 30 for data and voice communication/transmission, hence the equipment 10 provides the standard AT modem commands communicating with the other terminal equipment 50, and the standard modem instructions include the ATQ for quiet/responsive mode or ATV for numeric/text. Therefore, the modified/combined system and method discloses the instructions recited in the claims.

Regarding to **claim 30**, the modified/combined system and method disclose a network parameter in the modified modem command to be used in becoming part of a wireless network, such the IP address in the ATD command or the baud rate on the wireless radio in the AT + IPR command (column 5 lines 18-27 and column 11 TABLE 2 '335).

Regarding to **claim 33**, the modified/combined system and method disclose the network information comprising the time for the response over the wireless connection

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such as ATS7 setting for waiting time (the wake time) of carrier detecting (column 11 TABLE 2 '335) and such as 10 minutes for ATD wait for the response (column 4 line 60-column 5 line 1 '335). It is well known that Hayes command set extended to support functions related to wireless links, the permutation and combination of parameters appended in the command are not unique.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Handy-Swink (US 5,901,284) describes the ATDT command parameters.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang
December 6, 2005


KHAI TRAN
PRIMARY EXAMINER